

The Zoning Ordinance for the Town of Fountain Hills

Chapter 9

OPEN SPACE ZONING DISTRICT (OSC AND OSR)

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Section 9.01 Purpose.

The principal purpose of the Open Space Zoning Districts are to conserve and protect open space, natural desert lands, wildlife habitat, and lands agreed to be left undeveloped in master plan approval through hillside disturbance transfers. The primary purpose of designating these areas is to raise the degree of assurance that designated open space and recreational areas will remain open.

Section 9.02 Permitted Uses:

A. In the Open Space Conservation ("OSC") Zoning District:

1. Undeveloped natural land.
2. Trails, with the approval of the Town Council.
3. No other uses or structures, except those specifically allowed above, are permitted in the "OSC" Zoning District.

B. In the Open Space Recreational ("OSR") Zoning District:

1. Golf course, including club houses located thereon, but not including miniature courses.
2. Park land.
3. Public and private wildlife reservations.
4. Publicly and privately owned or operated fire and/or public police stations.
5. Undeveloped natural land.
6. Utility services, but not including offices, waste water treatment plants, generating stations, and wireless communications towers and antennas, unless otherwise specifically permitted elsewhere in the ordinance.
7. Special Event Facility as an Accessory Use to a Clubhouse. A golf course operator may develop and operate a special event facility within or immediately adjacent to a clubhouse, if those criteria listed below are met. A special event facility is a permanent building that is developed for individual short-term special events at the clubhouse, including weddings, parties, meetings, golf tournaments and other similar events. The size limitations of the special event facility, as noted below, shall include any restrooms, storage areas, or other portions of the building that are developed for the sole use of the special events facility. In the review of a building permit application for a special event facility, the Town may consider building elevations, building materials, building color, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. As a minimum, the following standards shall apply:

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- a. A special event facility shall be constructed using the same exterior building materials and paint color as the clubhouse. Unless permitted by a development agreement, tents, membrane structures or similar buildings or structures are specifically prohibited. However, temporary single-event tent(s) may be permitted by Temporary Use Permit pursuant to Section 5.16 of this Ordinance.
- b. Any golf course clubhouse may have a special event facility that is up to 2,400 square feet in size, regardless of the size of the clubhouse. A special event facility may be greater than 2,400 square feet in size, but the special event facility shall be no greater than thirty (30%) percent of the air-conditioned areas of the clubhouse, but not including any golf cart storage or maintenance areas of the clubhouse,
- c. In no case shall a special event facility be used between the hours of 12:00 AM and 6:00 AM on Friday and Saturday evenings. A special event facility shall not be used between the hours of 10:00 PM and 6:00 AM on Sunday through Thursday evenings. However, on holidays that occur on Sunday through Thursday evenings, the Director of Community Development may, with prior approval, allow for a special event facility to be used until 12:00 AM instead of 10:00 PM. If the Director of Community Development determines that music or crowd noise has disturbed adjacent residential users, the Director of Community Development, at his/her discretion and by certified letter to the golf course operator, may further limit the hours of future special events.
- d. No additional parking spaces are required to be provided for a special event facility. However, there shall be no non-golf-related events that utilize the special event facility that begin before 4:00 PM unless either additional on-site parking for the facility is provided at a rate of one parking space per every 4 persons of the capacity of the special event facility or alternative parking accommodations and transportation (if necessary) are provided and prior approval is given by the Director of Community Development.
- e. There shall be no additional signage associated with the special event facility.

Section 9.03 Uses Subject to Temporary Use Permit in the "OSR" Zoning District:

Master-Planned Village Sales and Information Center Within a Clubhouse. The developer of a master-planned community over 200 contiguous acres, may operate an information/sales facility within a clubhouse by temporary use permit only. In the review for a master-planned community sales and information center temporary use permit, the staff, and if necessary, the Town Council, may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. As a minimum, the following standards shall apply:

- A. On-site sales personnel must be present at least five (5) days a week during normal business hours. In no case shall a center be open before 7:00 A.M. or after 9:00 P.M.
- B. The center shall be for the purpose of marketing the specific master-planned village and the distribution of material concerning the attributes of the Town and surrounding areas. The office may not be used as an office for the sales of houses, subdivisions with model homes, nor property outside of the master-planned village.

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- C. There shall be at least twenty (20) off-street parking stalls provided in addition to the minimum parking demand for the golf course.
- D. The use shall cease upon termination of the temporary use permit or the completion of the master developer's marketing activities, whichever comes first.
- E. Signage shall in conformance with Chapter 6, Section 6.07 of this ordinance.

Section 9.04 Height Regulations:

- A. **Open Space Conservation ("OSC") Zoning District:** In the "OSC" Zoning District, any building or other structure that height regulations regulate are not permitted.
- B. **Open Space Recreations ("OSR") Zoning District:** In the "OSR" Zoning District, the height of the buildings shall not exceed thirty (30) feet.

Section 9.05 Yard Regulations:

The required yards are as follows:

- A. **Open Space Conservation ("OSC") Zoning District:** In the "OSC" Zoning District, buildings or other structures which would need to observe specific setbacks are not permitted.
- B. **Open Space Recreations ("OSR") Zoning District:**
 - 1. There shall be a front yard having a depth of not less than sixty (60) feet.
 - 2. There shall be a side yard on each side of a building having a width of not less than thirty (30) feet.
 - 3. There shall be a rear yard having a depth of not less than sixty (60) feet.

Section 9.06 Intensity of Use Regulations:

The intensity of use regulations are as follows:

- A. **Lot Area:** There shall be no minimum lot area.
- B. **Lot Width:** There shall be no minimum lot width.
- C. **Lot Area per Building in the "OSR" Zoning District:** The minimum lot area per building shall be five (5) acres.
- D. **Lot Coverage in the "OSR" Zoning District:** The maximum lot coverage shall be five (5%) percent of the lot area.

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- E. Distance Between Building in the "OSR" Zoning District:** The minimum distance between buildings on the same lot shall be ten (10) feet.

Section 9.07 General Provisions:

The General Provisions in Chapter 5 herein shall apply.

Section 9.08 Signs:

All signs shall comply with Chapter 6 herein.

Section 9.09 Parking Regulations:

The parking regulations are as provided in Chapter 7 hereof.

Section 9.10 Outdoor Lighting:

All outdoor lighting shall conform to Chapter 8 herein.

Section 9.11 Plan Review.

The provisions of Chapter 2, Section 2.04 shall apply.